

In support of its position that the agency action here is an order not a rule, CDC asserted that its long-standing regulations permit it to act quickly to prevent the spread of communicable diseases and any delay in issuance of the Mask Requirement "could result in serious harm." Response Letter, at 1. CDC further stated that the order was an emergency action and requiring the order to go through notice and comment before taking effect "would exacerbate the substantial harm that the order was intended to mitigate." *Id.*

While CRA does not provide an emergency exception from its procedural requirements to submit rules for congressional review, CRA and APA address an agency's need to take emergency action without delay. Agencies can waive the required delay in effective date requirement when an agency for "good cause" finds (and incorporates the finding and a brief statement of reasons in the rule issued) that notice and public procedure are "impracticable, unnecessary, or contrary to the public interest." 5 U.S.C §§553(b), 808(2). Therefore, an agency can provide for a rule to take effect immediately while still complying with the agency's statutory obligation to submit the rule to Congress for review.

Having determined the Mask Requirement meets the definition of a rule, we must determine if any of the CRA exceptions apply. We conclude they do not. First, it is not a rule of particular applicability as it applies to all travelers using public conveyances and is not limited to specific parties. Mask Requirement, at 8028-29. Second, it does not deal with agency management or personnel but with travelers and conveyance operators. *Id.* at 8026. Finally, it is not a rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties as it imposes new requirements on people who are traveling to wear masks while in transit and at transportation hubs. *Id.* at 8028-29. It also requires operators to only provide service to masked passengers. *Id.* Thus, no exception applies.

CONCLUSION

The Mask Requirement is a rule for purposes of CRA because it meets the APA definition of a rule and no CRA exception applies. Accordingly, before it can take effect, the Mask Requirement is subject to the requirement that it be submitted to both Houses of Congress and the Comptroller General for review, which provides Congress a period of 60 days in which it may disapprove the rule using special procedures in accordance with the CRA. While CDC asserted the need to act quickly as its justification for not submitting the Mask Requirement for congressional review, there is not an emergency exception under CRA. An agency may, however, invoke the CRA's good cause exception and provide for a rule to take effect immediately while still complying with the agency's statutory obligation to submit the rule to Congress for review. With this decision, we are not taking a position on the policy of imposing a mask requirement or what steps the agency or Congress may take next; our decision only addresses CDC's compliance with CRA's procedures for congressional review.

EDDA EMMANUELLI PEREZ,
General Counsel.

RECOGNIZING THE COAST GUARD PAY AND PERSONNEL CENTER

Mr. MARSHALL. Mr. President, I rise today to recognize the 40th anniversary of the U.S. Coast Guard Pay and Personnel Center in Topeka, KS.

The Pay and Personnel Center was first established in 1979 in the suburb area of Washington, DC. In 1982, with the help of Senator Bob Dole, the center permanently moved to the Frank Carlson Federal Building in Topeka. It is a true honor that I and my staff have the pleasure of working with this devoted lineup of leaders on a routine basis.

The Pay and Personnel Center offers a focused and essential service to more than 142,000 men and women of the U.S. Coast Guard. Their mission is to provide caring and responsive personnel and compensation services for each of their military members, retirees, annuitants, and other customers in support of the Department of Homeland Security missions. The Pay and Personnel Center has continued to operate with superb attention to detail without much attention publicly. They carry out the passionate mission of providing the compensation and services necessary to keep our Coast Guard focused, secure, and dedicated. These men and women truly go above and beyond to help our Coast Guard members.

I offer congratulations and accolades to the Pay and Personnel Center on 40 years of hard work and superior service to our men and women in the U.S. Coast Guard. The center is an illustrious example of the Coast Guard motto, *Semper Paratus, Always Ready*. I ask my colleagues to join me in recognizing this milestone.

RECOGNIZING THE 117TH ARW OF THE ALABAMA NATIONAL GUARD

Mr. TUBERVILLE. Mr. President, today I rise to highlight the 100th anniversary of the 117th Air Refueling Wing based in Birmingham, AL, and to honor the patriotic men and women, past and present, of this storied National Guard unit. For a century, the 117th has defended our freedoms by providing worldwide air refueling, airlift, logistics, intelligence, and medical services. It is a profound honor to represent these great Americans in their nation's capital.

The United States hosts the world's most powerful Air Force, which gives our country the ability to project strength and defend freedom around the globe. This capability is made possible by a heavy reliance on our air refueling tankers that create bridges across the sky for our fighters and bombers. Since October 1994, the 117th Air Refueling Wing has proudly and effectively performed this critical air refueling mission with the KC-135 Stratotanker, a mainstay of our tanker fleet.

The 117th Air Refueling Wing is heavily utilized and often deployed. Their reliability and dedication has led them to take part in some of the most consequential military actions of our time.

During the Kosovo conflict of 1999, the wing flew operational missions over the Balkans following its deployment of six KC-135 aircraft to Brize-

Norton Royal Air Force Base, England, in support of Operation Allied Force.

After the horrific terrorist attacks of September 11, 2001, the 117th deployed to MacDill Air Force Base, FL, as part of Operation Noble Eagle to refuel F-15 and F-16 aircraft that were flying around-the-clock protective combat air patrol missions over major cities in the United States.

The wing deployed KC-135 aircraft to Incirlik Air Base, Turkey, to fly operational missions in support of Operation Enduring Freedom and later played a key role in Operation Iraqi Freedom. Each of these deployments supported and directly contributed to the success of our air operations, keeping Americans in the air and on the ground safer while imposing our will on the enemy.

But, even decades before taking on the air refueling mission, the wing had a storied beginning and a long history of service to our country.

In 1918, Major James A. Meissner, a World War I flying ace, returned home to Birmingham to lead the formation of a flying unit based at Roberts Field. As a result of his efforts, on January 21, 1922, the U.S. Department of War identified the Birmingham Aero Club as the first Air National Guard Unit in Alabama.

The unit was originally designated as the 135th Observation Squadron, Alabama National Guard, and received Federal recognition as a Corps Aviation unit. The flying squadron was nicknamed the "Birmingham Escadrille's," and Major Meissner served as the first commander.

On January 30, 1944, the unit, by then redesignated to the 106th Reconnaissance Squadron, flew its first combat sorties in B-25 Mitchell aircraft against the Japanese from Sterling Island in the South Pacific.

In 1961, the unit was federalized in support of the Berlin Crisis. For 10 months, 20 RF-84F Thunderstreak aircraft flew missions from Dreux Air Base, France.

Also in 1961, roughly 80 members of the Alabama Air National Guard secretly took part in the operation to support the Bay of Pigs invasion of Cuba. These individuals bravely defended the U.S. and Cuban people against the communist regime and were sworn to secrecy until the declassification of the mission in 1998.

In November 1971, the unit was selected to be the first Air National Guard unit to receive the RF-4C Phantom II aircraft, redesignated as the 117th Tactical Reconnaissance Wing, and assigned to the U.S. Air Force's Tactical Air Command.

Following Saddam Hussein's August 1990 invasion of Kuwait and the subsequent U.S. military buildup in the Middle East, six Alabama National Guard RF-4C aircraft equipped with special long-range cameras deployed on August 24, 1990, to Al Dhafra Air Base, United Arab Emirates. Their mission was to obtain high-resolution images of

objects 100 miles away to aid prewar surveillance and photo-reconnaissance mapping of Iraqi forces in occupied Kuwait and along the Saudi Arabia-Iraq border.

Though the missions and the aircraft have changed over the 100-year history of the flying squadron, one thing has remained constant: The men and women of the 117th have always answered the call to service. That tradition has been proudly carried on by the nearly 1,000 men and women who comprise the 117th Air Refueling Wing.

Today, we honor the airmen and women, maintainers, medical crews, and support staff of the 117th Air Refueling Wing on this important anniversary and remember those that have given their lives as part of the wing's operations. I salute them for their sacrifice and service to the great State of Alabama and the United States of America.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. BARBARA DAMRON

• Mr. HEINRICH. Mr. President, it is my honor to recognize Dr. Barbara Damron's countless contributions in service to New Mexico over the course of her career as she transitions from her position as the chief government relations officer for the University of New Mexico, including the central campus, the health sciences center, and all branch campuses.

For more than three decades, Dr. Damron has built an impressive resume of experiences as an education leader, a healthcare executive, a college professor, an international consultant, an advanced practice nurse, and a cancer scientist. In addition to her work at the University of New Mexico, she has served as the New Mexico Higher Education Department Cabinet Secretary and as the State Higher Education Executive Officer, where she oversaw all of our State's 28 institutions of higher education, 4 Tribal colleges, and over 190 private and proprietary postsecondary schools.

Dr. Damron led the Common Course Numbering System, which aligned all lower division courses among institutions of higher education throughout New Mexico. As cabinet secretary, Dr. Damron demonstrated her responsiveness to and collaboration with communities in our State. Dr. Damron has also chaired the New Mexico Education Trust Board and New Mexico's 529 college savings plan and served as a commissioner of the Western Interstate Commission and of the Education Commission of the States.

I appreciate Dr. Damron's deep engagement with my office as she worked to help bring the University of New Mexico's impressive talent and resources to bear against the impacts of the COVID-19 pandemic on our communities. I will always be grateful for

both Dr. Damron's incredible management skills and the sense of humor she has always brought to her work.

I am pleased that Dr. Damron will keep serving New Mexicans as an educator by continuing to teach students in the University of New Mexico Health Sciences Center's College of Nursing. I am confident that her commitment to the success of our State's students and educators will never end. And I congratulate her on this next chapter of her career.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Swann, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3377. An act to empower the Chief of the United States Capitol Police to unilaterally request the assistance of the DC National Guard or Federal law enforcement agencies in emergencies without prior approval of the Capitol Police Board.

The message further announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 33. A joint resolution joint resolution relating to increasing the debt limit.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5665. An act to establish in the Department of State the Office to Monitor and Combat Islamophobia, and for other purposes.

H.R. 6256. An act to ensure that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People's Republic of China do not enter the United States market, and for other purposes.

ENROLLED JOINT RESOLUTION AND BILLS SIGNED

At 10:26 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution and bills:

S.J. Res. 33. A joint resolution joint resolution relating to increasing the debt limit.

H.R. 390. An act to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee as the "Odell Horton Federal Building".

H.R. 4660. An act to designate the Federal Building and United States Courthouse located at 1125 Chapline Street in Wheeling, West Virginia, as the "Frederick P. Stamp, Jr. Federal Building and United States Courthouse".

The enrolled joint resolution and bills were subsequently signed by the President pro tempore (Mr. LEAHY).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5665. An act to establish in the Department of State the Office to Monitor and Combat Islamophobia, and for other purposes; to the Committee on Foreign Relations.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, December 15, 2021, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 33. A joint resolution joint resolution relating to increasing the debt limit.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2829. A communication from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Vaccine and Mask Requirements to Mitigate the Spread of COVID-19 in Head Start Programs" (RIN0970-AC90) received in the Office of the President of the Senate on December 8, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC-2830. A communication from the Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Prescription Drug and Health Care Spending" (RIN0938-AU66) received during adjournment of the Senate in the Office of the President of the Senate on November 30, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC-2831. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Community Services Block Grant Report for Fiscal Year 2016"; to the Committee on Health, Education, Labor, and Pensions.

EC-2832. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Summary of Review and Recommendations for the Medicare and Medicaid Programs to Prevent Opioid Addictions and Enhance Access to Medication-Assisted Treatment"; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. MENENDEZ for the Committee on Foreign Relations.